

Presentment Date and Time: February 21, 2014 at 12:00 p.m. (Prevailing Eastern Time)

Objection Deadline: February 20, 2014 at 4:00 p.m. (Prevailing Eastern Time)

HUGHES HUBBARD & REED LLP

One Battery Park Plaza

New York, New York 10004

Telephone: (212) 837-6000

Facsimile: (212) 422-4726

Attorneys for James W. Giddens,
Trustee for the SIPA Liquidation of Lehman Brothers Inc.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

LEHMAN BROTHERS INC.,

Debtor.

Case No. 08-01420 (JMP) SIPA

**NOTICE OF PRESENTMENT OF STIPULATION AND ORDER IN CONNECTION
WITH THE RETURN TO HSBC SECURITIES (USA) INC. OF
POST-PETITION MISDIRECTED TRANSFERS**

PLEASE TAKE NOTICE THAT James W. Giddens (the “Trustee”), Trustee for the SIPA Liquidation of Lehman Brothers Inc., by and through his undersigned attorneys, Hughes Hubbard & Reed LLP, will present the annexed Stipulation and Order in Connection with the Return to HSBC Securities (USA) Inc. of Post-Petition Misdirected Transfers (the “Order”) for signature to the Honorable Shelley C. Chapman, United States Bankruptcy Judge, in chambers, at the United States Bankruptcy Court for the Southern District of New York, the Alexander Hamilton United States Customs House, One Bowling Green, New York, New York 10004, on **February 21, 2014 at 12:00 p.m (Prevailing Eastern Time).**

PLEASE TAKE FURTHER NOTICE THAT objections, if any, to entry of the Order must (i) be in writing; (ii) state the name and address of the objecting party and nature of the claim or interest of such party; (iii) state with particularity the legal and factual bases of such

objection; (iv) conform to the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules; (v) be filed with the Bankruptcy Court, together with proof of service, electronically, in accordance with General Order M-399 (available at the Court's website, www.nysb.uscourts.gov) by registered users of the Court's Electronic Case Files system, and by all other parties in interest, on a 3.5 inch disk or CD-ROM, preferably in Portable Document Format (PDF), WordPerfect or any other Windows-based word processing format no later than **February 20, 2014 at 4:00 p.m. (Prevailing Eastern Time)** (the "Objection Deadline"); and (vi) served on (a) Hughes Hubbard & Reed LLP, One Battery Park Plaza, New York, New York, 10004, Attn: Christopher K. Kiplok, Esq., Daniel S. Lubell, Esq., and Jeffrey S. Margolin, Esq.; (b) Securities Investor Protection Corporation, 805 Fifteenth Street, N.W., Suite 800, Washington, DC 20005, Attn: Kenneth J. Caputo, Esq.; (c) Weil Gotshal & Manges LLP, 767 Fifth Avenue, New York, New York 10153, Attn: Lori R. Fife, Esq. and Maurice Horwitz, Esq.; and (d) Allen & Overy LLP, 1221 Avenue of the Americas, New York, New York 10020, Attn: Daniel Guyder, Esq. with a courtesy copy to the chambers of the Honorable Shelley C. Chapman, United States Bankruptcy Court, One Bowling Green, New York, New York 10004. Unless objections are received by the Objection Deadline, the Order may be entered without a hearing.

Dated: New York, New York
February 13, 2014

HUGHES HUBBARD & REED LLP

By: /s/ Daniel S. Lubell
James B. Kobak, Jr.
Daniel S. Lubell
One Battery Park Plaza
New York, New York 10004
Telephone: (212) 837-6000
Facsimile: (212) 422-4726
Email: lubell@hugheshubbard.com

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

LEHMAN BROTHERS INC.,

Debtor.

Case No. 08-01420 (SCC) SIPA

**STIPULATION AND ORDER IN CONNECTION WITH THE RETURN TO HSBC
SECURITIES (USA) INC. OF POST-PETITION MISDIRECTED TRANSFERS**

WHEREAS, on September 19, 2008 (the “Filing Date”), a proceeding was commenced under the Securities Investor Protection Act of 1970 (“SIPA”) with respect to Lehman Brothers Inc. (“LBI”) and James W. Giddens was appointed as Trustee under the SIPA (the “Trustee”) to administer LBI’s estate (Case No. 08-01420, such proceeding, the “SIPA Proceeding”);

WHEREAS, beginning after the Filing Date, on September 22, 2008 and continuing through November 20, 2008, HSBC Securities (USA) Inc. (“HSBC”) through JPMorgan Chase Bank, sent wire transfers in the aggregate amount of \$1,548,038.77 (“Transfers”) to LBI Account #CMSPB at JPMorgan Chase Bank (the “Receiving Institution”) as detailed on Exhibit A hereto;

WHEREAS, HSBC timely notified the Trustee and represented that the Transfers had been made in error and should have been transferred to another account;

WHEREAS, on October 31, 2013, HSBC also filed administrative claim number 6380 in which HSBC represented that the Transfers had been made in error (the “HSBC Claim”); and

WHEREAS, following receipt from HSBC of information concerning the Transfers, a request for the return of the Transfers, and the HSBC Claim (collectively, the “Request Documents”), the Trustee conducted an investigation and, in consultation with his professional advisors, determined that \$1,478,535.18 of the Transfers had in fact been misdirected and that LBI should return such amount, less a court-approved service fee equal to one percent (1%) of the Transfers (up to a maximum of \$5,000.00), for a net return of \$1,473,535.18, (the “Return Amount”).

WHEREAS, on March 22, 2010, the Court entered the Order Pursuant to Section 105(a) of the Bankruptcy Code Approving and Authorizing Amended Procedures for the Return of Misdirected Wires (the “Misdirected Wires Order,” ECF No. 2876) that amended previously Court-approved procedures for the Trustee’s return of misdirected wires and authorized certain charges related to such return of misdirected wires;

NOW, THEREFORE, in consideration of the mutual covenants set forth below, IT IS HEREBY STIPULATED AND AGREED BY THE PARTIES HERETO THAT:

1. Pursuant to the Misdirected Wires Order, the Trustee is authorized to instruct the return of the Return Amount in accordance with wire instructions provided by HSBC within three (3) business days of the Court's approval of this Stipulation;
2. Upon the Trustee's wiring the Return Amount in accordance with instructions received from HSBC, the HSBC Claim shall be deemed withdrawn with prejudice without further order of the Court;
3. Upon the Trustee's wiring the Return Amount in accordance with instructions received from HSBC, HSBC and its agents, employees, principals, professionals, successors, and assigns shall also be deemed to have waived and released any claims they might have against the Trustee, his professionals, successors and assigns, the LBI estate and the Securities Investor Protection Corporation ("SIPC") with respect to the Transfers and Return Amount, including, without limitation, any claims for interest, costs and attorneys fees or any claims relating to the transactions and agreements under which such Transfers were made;
4. The Trustee is relying on the representations in this Stipulation and the Request Documents, that these representations are true and correct, and that HSBC acknowledges that the Trustee can refuse to deliver or seek the return of the Return Amount if these representations are not true and correct;
5. HSBC agrees to indemnify the Trustee, the LBI estate, the Trustee's professionals and agents and SIPC against any liabilities and expenses they may incur for any claim made against any of them (including, without limitation, any claim made by them to recover such funds), relating to or arising out of any material misrepresentation made by HSBC or on HSBC's behalf in this Stipulation, the Request Documents, or in connection with the return of these funds; provided, however, that any obligation of HSBC arising under this paragraph 5 is hereby expressly limited so as not to exceed the Return Amount actually wired to HSBC pursuant to paragraph 1 above;
6. The Trustee and HSBC expressly reserve all of their rights and defenses with respect to any other claims each might have against the other;
7. Notwithstanding the proposed return of the Return Amount pursuant to this Stipulation, nothing herein shall be construed to prejudice the Trustee's rights in any way whatsoever to determine whether any other funds have been misdirected and must be returned or to require the Trustee to seek court approval to return misdirected funds. The Trustee expressly reserves all of his rights with respect to funds alleged to have been misdirected;
8. This Stipulation may be signed in counterparts which, when taken as a whole, shall constitute one and the same document; and faxed signatures shall be deemed originals;
9. Each individual signing this Stipulation on behalf of any party hereto acknowledges and, with respect to his or her own signature below, warrants and

represents that he/she is authorized to execute this Stipulation in his/her representative capacity, as reflected below and on behalf of the party indicated; and

10. This Stipulation shall be governed by and shall be interpreted in accordance with the laws of the State of New York, except to the extent that the Bankruptcy Code or SIPA apply, without regard to New York's rules governing conflicts of laws.

Dated: New York, New York
February 13, 2014

ALLEN & OVERY LLP

By: /s/ Daniel Guyder
Daniel Guyder
1221 Avenue of the Americas
New York, New York 10020
Telephone: (212) 610-6300
Facsimile: (212) 610-6399
Email: Daniel.Guyder@AllenOvery.com

Attorneys for HSBC Securities (USA) Inc.

HUGHES HUBBARD & REED LLP

By: /s/ Daniel S. Lubell
James B. Kobak, Jr.
Daniel S. Lubell
Christopher K. Kiplok
One Battery Park Plaza
New York, New York 10004
Telephone: (212) 837-6000
Facsimile: (212) 422-4726
Email: lubell@hugheshubbard.com

*Attorneys for James W. Giddens,
Trustee for the SIPA Liquidation of
Lehman Brothers Inc.*

SO ORDERED this ____ day of _____, 2014

UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A
The Transfers

Pay Date	Amount
9/22/2008	\$ 1,005.53
9/22/2008	\$ 12,453.99
9/22/2008	\$ 31,517.46
9/22/2008	\$ 24,526.64
10/15/2008	\$ 29,461.23
10/15/2008	\$ 2,553.46
10/15/2008	\$ 11,428.50
10/15/2008	\$ 3,373.00
10/15/2008	\$ 3,696.63
10/15/2008	\$ 3,326.10
10/15/2008	\$ 330,973.42
10/15/2008	\$ 1,804.66
10/15/2008	\$ 175,779.25
10/15/2008	\$ 37,457.27
10/15/2008	\$ 6,934.48
10/15/2008	\$ 4,215.85
10/15/2008	\$ 175,276.43
10/20/2008	\$ 7,136.87
10/20/2008	\$ 18,823.20
10/20/2008	\$ 37,644.11
10/20/2008	\$ 8,243.81
10/27/2008	\$ 42,837.83
10/27/2008	\$ 33,305.55
10/27/2008	\$ 24,920.99
10/27/2008	\$ 6,471.71
10/27/2008	\$ 1,004.47
10/27/2008	\$ 1,300.85
10/27/2008	\$ 2,781.70
10/27/2008	\$ 96,023.90
10/27/2008	\$ 74,059.12
10/27/2008	\$ 16,191.50
10/27/2008	\$ 54,832.65
10/27/2008	\$ 137,679.65
10/27/2008	\$ 52,554.84
10/27/2008	\$ 16,804.23
10/27/2008	\$ 9,659.66
10/27/2008	\$ 18,556.34
10/27/2008	\$ 11,290.75
10/20/08 & 11/20/08	\$ 20,131.14